

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**THERMASTEEL SYSTEMS)
SOUTHEAST, LLC, Thermagreen)
Steel Structures, LLC, an Alabama)
limited liability company,)
)
Plaintiff,)
) **Case No.: 2:10-CV-1205-RDP**
v.)
)
**THEODORE BAKER, an individual,)
and THERMAGREEN STEEL)
STRUCTURES, LLC, a Delaware)
limited liability company,)
)
)
Defendants.)****

ORDER

On May 4, 2012, the Magistrate Judge entered a Report and Recommendation, recommending that Plaintiff's Motion for damages, costs, fees, and injunctive relief (Doc. # 21) be granted. Neither party filed objections, and Defendants have yet to appear in this action.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court hereby **ADOPTS** the Report of the Magistrate Judge and **ACCEPTS** his Recommendations.

Accordingly, it is hereby **ORDERED** as follows:

1. Plaintiff's requests for damages, costs, fees, and injunctive relief in their Motion (Doc. # 21) are **GRANTED**. However, the Motion in its entirety is **DENIED IN PART**, as the court declines to order Defendants to destroy all printed materials within their possession or control that contain Plaintiff's mark and to direct Defendants to certify compliance with this direction.

2. Defendants are **ORDERED** to pay Plaintiff costs in the amount of \$350.00 and attorney's fees in the amount of \$10,037.00.

3. The injunction previously entered by the court (Doc. # 18) is **INCORPORATED** into this order. Defendants are enjoined from using the Thermagreen mark, or a confusingly similar variant thereof, and from otherwise infringing Plaintiff's right to the Thermagreen mark, including the right to sell and offer for sale products bearing the Thermagreen mark.

4. Final Judgment is **ENTERED** in favor of Plaintiff and against Defendants and this case is **DISMISSED**.

5. The court **RETAINS** jurisdiction to oversee and ensure enforcement of the injunction.

The Clerk of the Court is **DIRECTED** to serve a copy of this order upon Mr. Theodore Baker, 1125 Norwich Circle, Atlanta, GA 30324 and ThermaGreen Steel Structures, LLC, c/o Harvard Business Services, Inc., 16192 Coastal Highway, Lewes, DE 19958.

DONE and **ORDERED** this 8th day of June, 2012.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE